IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35209 of 2007(N)

LAR.127/1996 of ADDL.SUB COURT,KOLLAM

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PETITIONER:

SANTHAKUMARI,
PRINCE BHAVAN, KOTHAPURAM,
WEST KALLADA P.O., KOLLAM.

BY ADV. SRI.B.SURESH KUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
DISTRICT COLLECTOR, KOLLAM.

BY G.P.SMT.R.BINDHU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

W.P.(C)NO.35209 of 2007 - N

Dated this the 28th day of November, 2007.

JUDGMENT

This writ petition is preferred for a direction to set aside Exts.P2 and P3 orders and direct the Additional Subordinate Judge, Kollam to dispose of LAR.No.127/1996 in accordance with law. The Land Acquisition Court had dismissed the reference for default. So the order suffers very serious infirmity and when an application was filed, it was also dismissed. Since the order passed by the Land Acquisition court is totally against the settled position of law, naturally, opportunity has to be given to the party to conduct the case on merit.

The dismissal for default is set aside as there is gross violation of law and as the court did not follow the binding proceedings. Therefore, I direct the Land Acquisition Court, Kollam to restore LAR.No.127/1996 to file and after affording opportunities to both sides, dispose of the matter in accordance with law. The parties are directed to appear before the court below on 19.12.2007 and being an old reference, the court below shall give preference

for an expeditious disposal.

M.N. KRISHNAN, JUDGE.

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